

This action was initiated on January 19, 2007 and through its three and one-half year history has been denoted by the lack of prosecution and failure to comply with court Orders. (See Clerk's Record 103 and 105).

13 Pursuant to the Joint Motion For Preliminary Approval of Class Action Settlement  
14 (C.R. 106) the court heard from counsel in Riverside, California on July 15, 2010. While  
15 expressing reservations concerning the terms of the proposed class settlement, a matter  
16 reserved for the October 21, 2010 hearing, the court discussed the proposed language  
17 to be contained in the Notice of Hearing to be served and distributed for the October 21,  
18 2010 hearing on the proposed settlement. The court directed counsel to prepare the  
19 proposed Notice with the court's suggestions within 15 days and submit the Notice.  
20 THE COURT HAS NOT RECEIVED THE PROPOSED NOTICE.

21 Counsel are advised that unless good cause is shown within ten (10) days from the  
22 date of this Order, the class action settlement hearing previously set for October 21, 2010  
23 will be stricken and all pending pretrial motions set for hearing on October 21, 2010.

24 The Clerk shall enter this Order and furnish copies to counsel.

25 Dated August 16, 2010.

s/ Justin L. Quackenbush  
**JUSTIN L. QUACKENBUSH**  
SENIOR UNITED STATES DISTRICT JUDGE